

A. G. Contract No. 88-0486-TRD

ECS File: IGA-87-64  
Project: I-8-1(88)  
Fund: 82513  
Section: Foothills T.I.

AMENDMENT TO  
INTERGOVERNMENTAL AGREEMENT

BETWEEN  
THE STATE OF ARIZONA  
AND  
YUMA COUNTY

THIS AGREEMENT is entered into June 17, 1988,  
between the STATE OF ARIZONA, acting by and through its  
DEPARTMENT OF TRANSPORTATION (the "State") and YUMA COUNTY, by  
and through its Board of Supervisors (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Sections 11-952 and 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of the County.

3. The State and County entered into an intergovernmental agreement for the purpose of setting out the parties' respective responsibilities in constructing the Foothills (Avenue 13E) Traffic Interchange to Interstate Highway 8, a bridge across Fortuna Wash and extension of the North Frontage Road (the "Project"). Said agreement was filed January 7, 1987, with the Secretary of State as file no. 11671.

NO. <u>11671</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>6-24-88</u>
<u>Jim Slesinger</u> Secretary of State
By <u>Alperdue</u>

4. The purpose of this amendment is to revise the parties' responsibilities relative to appraisal of rights of way and to further detail the parties' responsibilities relative to acquisition of rights of way.

5. This amendment shall become effective upon filing with the Secretary of State.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed, as follows:

1. The total actual cost of the Project to be used in calculating cost sharing will be the sum of the actual costs for construction of the interchange, all civil and structural engineering costs, all appraisal costs, and the appraised value of all rights of way obtained for the Project. The Fortuna Wash Bridge Construction and North Frontage Road Extension cost will be the actual cost incurred by Yuma County including all engineering and right of way acquisition.

2. The State shall appraise all properties from which rights of way for the interchange construction shall be required.

a. The County shall furnish the State with title reports for all ownerships requiring new right of way, together with plans showing the property boundaries, total areas, gross areas of new and existing right of way, net areas of new right of way, and remainder areas for each ownership.

b. If the remainder of any parcel of land to be taken for this project is to be left in such shape or condition as to be of little value to the owner or to give rise to claims or litigation concerning severance or other damage, the State may make a determination to purchase the property in its entirety. In the event any uneconomic remainder is acquired, the County shall receive credit toward its share in the total actual costs of the Project in the amount of the actual cost for rights of way plus the additional cost of any acquired uneconomic remainder.

3. Upon completion of the Project, the County shall convey all rights of way and uneconomic remainder properties acquired in association with construction of the Foothills Interchange to the State.

4. The County shall include appropriate access control statements, as shown on Exhibit "A" attached hereto and made a part hereof, in all documents of conveyance.

All other terms and conditions shall remain the same.

IN WITNESS WHEREOF, the parties have executed this amendment the day and year first above written.

YUMA COUNTY

STATE OF ARIZONA  
Department of Transportation

By Donald B. Fortney  
Title Donald B. Fortney, Director  
Yuma County Public Works

By W. O. Ford  
W. O. FORD  
State Engineer

0682j

EXHIBIT "A"

Access clauses for use on Warranty Deeds, Quitclaim Deeds and Easements

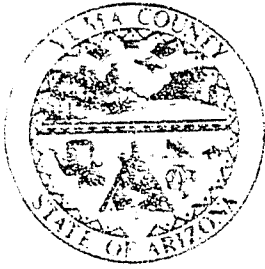
- a. Where no access will be allowed to the interstate:

The Grantor's remaining land shall have no right or easement of access to the limited access highway to be constructed over and upon the right of way described above.

- b. Where access to the interstate will be available via a frontage road or interchange:

The Grantor's remaining land shall have no right or easement of access to the limited access highway to be constructed over and upon the right of way described above; provided, however, that said remaining land shall have access to the highway by way of

1. a (one-way, two-way) frontage road to be constructed on the (northerly, southerly) side of the highway and connecting with said highway at the Foothills Drive Interchange.
2. the Foothills Drive Interchange.



# Yuma County Yuma, Arizona

OFFICE OF THE  
BOARD OF SUPERVISORS  
Redondo Square  
P.O. Box 1112  
Yuma, Arizona 85364  
Phone 782-4534

BOB McCLENDON  
DISTRICT 1

GARY MUNK  
DISTRICT 2

RAY MOORE  
DISTRICT 3

CLYDE CUMING  
DISTRICT 4

PAT CONNER  
DISTRICT 5

ANDREW O. TORRES  
COUNTY ADMINISTRATOR

## RESOLUTION #88-19

**WHEREAS,** the County of Yuma, State of Arizona have entered into an Intergovernmental Agreement providing for the construction of a traffic interchange at the intersection of Avenue 13E and Interstate Highway 8, number IGA-87-64, and

**WHEREAS,** both parties mutually wish to modify the terms of said agreement to provide for State land appraisers to conduct right-of-way appraisals instead of the County Appraiser, and

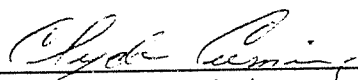
**WHEREAS,** it is necessary to limit access to the lands in the immediate vicinity of the interchange ramps intersecting with Avenue 13E by the land purchase contracts with the owners of those lands,

**NOW THEREFORE BE IT RESOLVED,** that the County of Yuma has agreed to enter into a Contract Amendment providing for these changes to the original IGA-87-64, and further

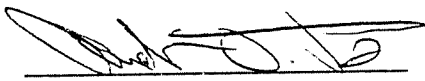
**BE IT RESOLVED,** that the Director of Public Works be authorized to sign the Contract Amendment.

**PASSED AND ADOPTED** this 6th day of June, 1988.

YUMA COUNTY BOARD OF SUPERVISORS

  
Clyde Cuming, Chairman

ATTEST:

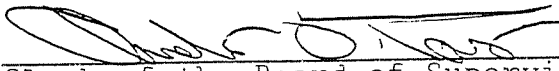
  
Andrew O. Torres  
Yuma County Administrator

STATE OF ARIZONA       )  
                              ) SS.  
COUNTY OF YUMA       )

I, ANDREW O. TORRES, Clerk of the Board of Supervisors, do hereby certify that I am required by law to maintain custody of the minutes of the Board of Supervisors and that the following is a true and correct copy of a portion of the minutes of the Board of Supervisors meeting held June 6, 1988.

"Upon motion and unanimous vote, the Board of Supervisors approved an Agreement to Amend IGA87-64 between the State of Arizona and the County of Yuma covering the location where the County's Avenue 13E intersects Interstate 8, a bridge across Fortuna Road and extension of the North Frontage Road."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Board of Supervisors. Done at Yuma, the County Seat, this 6th day of June, 1988.

  
\_\_\_\_\_  
Clerk of the Board of Supervisors

(SEAL)

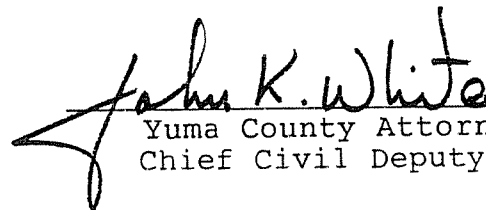
EXHIBIT "B"

ECS File: IGA-87-64  
Project: I-8-1(88)  
Section: Foothills T.I.

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

The referenced amendment to intergovernmental agreement between Yuma County and the Arizona Department of Transportation has been reviewed pursuant to Arizona Revised Statutes Section 11-952, as amended, by the undersigned Yuma County Attorney, who has determined that it is in the proper form and is within the powers and authority granted to Yuma County.

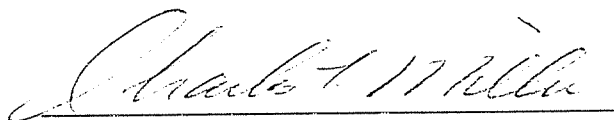
  
\_\_\_\_\_  
Yuma County Attorney  
Chief Civil Deputy

ECS File: IGA-87-64  
Project: I-8-1(88)  
Section: Foothills T.I.

RESOLUTION

BE IT RESOLVED on this 16 day of March, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, amend an agreement with Yuma County to revise each agency's responsibilities relative to appraisal of rights of way and to further detail responsibilities relative to acquisition of rights of way.

THEREFORE, authorization is hereby given to draft said amendment which, upon completion, shall be submitted for approval and execution by the State Engineer.

  
CHARLES L. MILLER, Director  
Arizona Department of  
Transportation



ATTORNEY GENERAL  
1275 West Washington  
Phoenix, Arizona 85007  
Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

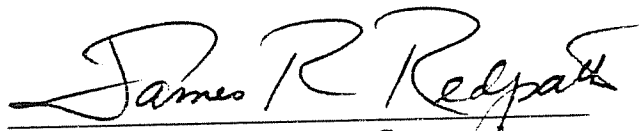
DETERMINATION

A. G. Contract No. 88-0486-TRD, which is an agreement between public agencies, has been reviewed pursuant to Arizona Revised Statutes Section 11-952, as amended, by the undersigned Assistant Attorney General, who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter said agreement.

Dated this 20<sup>th</sup> day of June, 1988.

ROBERT K. CORBIN  
Attorney General

  
Assistant Attorney General  
Transportation Division